

Name, Address, Telephone No. &amp; I.D. No.

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Office of Chapter 13 Trustee

## UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

CHERYL A. DYE  
CHARLES T. DYE

Debtor.



BANKRUPTCY NO. 04-09141-LA13

## ORDER ON NONCONTESTED MOTION DISMISSING CHAPTER 13 CASE

The undersigned Chapter 13 Trustee having filed and duly served a Motion to Dismiss Case with Right to Request a Hearing (Notice Docket Entry No. 37) for the reason indicated below:

- ☒ Material breach in that Debtor(s) failed to make plan payments to the Trustee (either monthly or lump sum payments) pursuant to such plan; or
- ☐ Material breach other than missed payments in that Debtor(s) failed to comply with provisions in their confirmed plan and/or have failed to provide requested information pursuant to United States Trustee guidelines for business cases; or
- ☐ Failure to fully complete plan payments on or before five (5) years from commencement of this case.

No opposition or Request for Hearing having been filed within the time provided.

IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. The above-entitled case is dismissed without prejudice as to the above-named debtor only.
2. All related adversary proceedings which are pending are also dismissed subject to the provisions of Local Bankruptcy Rule 7041-3.
3. All stays now in effect for this case are vacated and the provisions of 11 U.S.C. § 349 shall hereafter apply.

DATED: April 13, 2010

Signature by the attorney constitutes a certification under  
Fed. R. of Bankr. P. 9011 that the relief in the order is the  
relief granted by the court.

Submitted by:

Thomas H. Billingslea, Jr.  
Chapter 13 Trustee

By: /s/ Jenny Judith Ha  
Staff Attorney Chapter 13 Trustee

*Louisa Delaunay Adler*  
Judge, United States Bankruptcy Court